A.F.S.
No 41.

File No. 96-28

Previous References
No 214-22 (1-5)
" 298-24 (1-12)
" 209-23 (1-9)
" 312-12-1
Later references.
~~No 96-28-(1-3)~~
Nos 19-29, 23 & 25

(Courts)

Serial Nos. 1-3.

PRESERVED ✓

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 3

Part B for March 1926

SUBJECT

Resolution of Mr B Narasinga Rao proposed to be moved in the Legislative Council in Feby 1926 re the disposal of cases falling under Chapter XII Criminal Procedure Code.

Filed

US 196-25 (1)
1

Office of the Secretary, Legislative Council, Bangalore, 1/2 - 2- 1926

Urgent.

Memorandum No.3677/Encls.4

Four resolutions to be moved at the next meeting of the Legislative Council(admitted) are forwarded, with compliments to the Local and Legislative Secretary, for favour of necessary action.

1. Mr.H.Krishna Rao
2. " B.Narasinga Rao
3. " J.Ganesha Rao
4. " M.Ramachandra Rao

Sd/- R.Ranga Rao,
Secretary, Legis.Cl.

LOCAL AND LEGISLATIVE DEPTT. III 3 FEB. 1926 PROTECTION BRANCH 3108/P.

For being moved at the next meeting of Legve Council (28/2/26)

Resolution by Mr.B.Narasinga Rao.

This Council recommends to the Government of His Highness the Maharaja that cases falling under Chapter XII Criminal Procedure Code may be ordered to be enquired into and disposed of by the Special First class Magistrates in the District instead of by the Sub Divisional Officer and Ex-officio First class Magistrates.

P.T.O

Serial No

para (5) Nag D.

--- According to the separation scheme orders the cases falling under Chapters VIII to XII Cr.P.C. have to be tried by the Exclusive magistrates. But this order did not prohibit the regular Special magistrates from taking cognizance of such cases. In order to ease trials to the Special magistrates for purely judicial work it was ordered that cases falling under chapters VIII to XII of the Criminal Procedure code should be tried by Exclusive magistrates only, Vide Fo no 1157-25/CS 41-20 & 27-8-25 (Orig A)

2) The question of Special magistrates trying cases falling under the preventive sections of the Criminal Procedure code having been raised by Mr Justice B Subbanna when he inspected the Special magistrate's court at Chikmagalur, it was after consulting the Dist officers, where the Separation scheme was introduced, came to the conclusion that the existing practice might continue (Vide page 6 of office notes in CS file 246 of 22-3. Nos 1 to 5 Nag C). But no formal orders were passed.

3) Even on the representation of the Bar Association at Chikmagalur, the cases of Kadur Taluk were ordered to be tried by the Special First-class magistrate at Chikmagalur as the Special First Class magistrate's file was not heavy. Vide Fo nos P 2939-81/CS 207-23-7 & 9 12/24

4) Representations were made in the Rep. Assembly that there has been undue delay in the disposal of

N.

WD 0569—GPB—40,000—5-25

Serial No.

NOTE—Contn. Sheet

General and Revenue Secretariat | Cf- File No. 196 of 1925-26.

Serial No

persecution cases on the part of some of the District magistrates: Govt, after calling for statistics from all the Dts and obtaining the explanations for delay, passed order that cases should not be frequently adjourned to the inconvenience of parties and witnesses and Dt magistrates were requested to issue suitable instructions to the Subordinate magistrates to guard against such undue delay in the disposal of these cases; Vide Govt no: P 3034-42/Cf-2 G.O. 24-12-25 15-12-1925. (Flag Z)

5) Hence there seems to be no necessity to modify the order directing the trial of Cases coming under the preventive sections of the Criminal Procedure code by the Executive magistrates Govt

6) Chap XII of the Code of Criminal Procedure, relates to disputes about immovable property + after the separation Scheme, Asst Comrs as Ex-Officio magistrates are enquiring into these cases (Flag A), except in Chikmagalur, where as a special representation the special magistrate to given jurisdiction. Hon Justice Subbanna raised the question once, + the existing practice was considered suitable.

Flag A

Flag N

Flag C

7) The reason for the proposed resolution is not apparent. If this delay in disposal that is feared, orders have issued (flag Z) guarding against this, on a representation in the Rep. Assembly.

Flag Z

NOTE—Contn. Sheet

Serial No.

8) If the mover thinks that the Special Magistrates are not satisfactory, such an impression might not to be encouraged If he thinks that the Asstt Comrs being in charge of the talukas may import their personal knowledge into their decision the basis for such an impression should be forthcoming. Mere suspicion may not be acted up.

9) The existing practice is very convenient & complaints of mishandling of cases have not been received & the parties have right of appeal, as well as their regular remedies.

H H Secy

cag

10) No reason is given for the change advocated by the mover of this Resolution.

If the mover's intention is that the Ex-officio Magistrates delay the proceedings, the Govt have already ~~passed orders~~ taken adequate steps to prevent any unnecessary delay in the disposal of such cases.

If the intention is that these Magistrates are incompetent to try by reason of their knowledge of local conditions etc, the acceptance of the resolution on this ground would unnecessarily cast a reflection upon the impartiality of this honourable class of officers who were likened to ex-officio Justices of the Peace in England & who were entrusted to exercise their powers with credit.

NOTE—Contn. Sheet

General and Revenue Secretariat

3108/P

File No. 196 of 1925

Serial No.	
	11) The resolution may perhaps be opposed. 1st member. 19-2
537/19-2	
	12) A copy of the resolution may be sent to the Chief Court as soon as possible for favour of their opinion thereon; and their reply should be submitted by Monday 23rd 19/2
	23rd 20/2
	Send with draft - Issue 14) 20/2
	20/2/26
2	20 The Registrar Chief Court No P.C.O.W.P. dt 20-2-26 Copies for the opinion of the Chief Court on the resolution from
3	The Registrar Chief Court Dy Dis No 916 dt 22-2-26 States that the Chief Court has no objections to the acceptance of the resolution and that the disposal of the cases of the land in

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12
App. F. III—2]

General and Revenue Secretariat

3.3.69

C5 File No. 196 P of 1925-26

Serial No.

Question may be disposed of more expeditiously by the Spl. Grade Magistrate. If Subs. with Experience as para 12 supra

Sd 22/2/26.

Asst 22/2

(b) The Chief Court are in favour of adopting the resolution

Sd 22/2

626 22.2

I agree with the views expressed by the Chief Court.

The first resolution may be accepted in principle. Exception being made in the case of Registrars & Registrars Deputy e.g. the Special Registrars whose work may be heavy than any of the Executive Officers & dealt expeditiously with the Bankruptcy Cases.

Sd 22/2

Please submit

Sd Dewan. 22/2

Dewan.

Sd 23/2

Dewan.

Agree. Matter will be dealt with accordingly

Sd 23/2

Sd 23/2

Sd 23/2

3347

WD 11264—GPB—40,00

General and Revenue Secretariat

es File No. 196 / 7 App. F. I of 1925-26

Serial No.

Subd

It is understood that Resolutions were not taken up for discussion in the recent Session of the Legislature council. May the papers be filed?

Sd 4/3/26 File re Resolution re Cow Slaughter has been ordered to be filed. This file may be treated similarly

Sd 5/3 The Resolution lapses. This may be filed

Sd 5/3

Yes Sd 6/3

Sd 6-3

Sd 5/3

Sd 6/3

NOTE—Contn. Sheet

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section C6

File No. 196-25

Seria No. 2

Diary No. of letter replied to.....

Memorandum

No. 4044

To The Reg^r Lehrs. Court.....

General and Revenue Secretariat

( )

the *192*

Sir,

Date of issue 20/2/26

I am directed to forward herewith the accompanying resolution proposed to be moved in the ensuing Leg. Council meeting by mr N. Narasimharao and to request you to kindly obtain and ~~forward~~ furnish the opinions of the Hon'ble Court in the matter by monday morning.

Signed by M^r Craig

Yours etc

List of enclosures.....

Copied by.....

Examined by.....

20/2/26

Asst Secy

over

35567

Telgm: "JUSTICE"

IMMEDIATE.

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 22nd February 192 6

R.O.C. Dis. No. 216 25-26

3349/P

Cts 196-25-3

GENL. & REV. BRANCH. From P 22. FEB. 1926 G. D. SECTION.

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. NAGAPPA, Esq., Bar-at-Law,
Secretary to Government,
Local and Legislative Departments.

Sir,

With reference to your letter No.P.4044/Cts. 196-25-1 dated "20-1-26", apparently a mistake for 20th February 1926, requesting to be furnished with the opinion of the Chief Court regarding the resolution proposed to be moved by Mr. B. Narasinga Rao in the ensuing Legislative Council, I am directed to state that the Chief Court has no objection to the resolution being accepted by Government as it stands. I am to observe that the Chief Court have both during inspections and otherwise commented upon the inordinate delay in the disposal of cases under Chapter XII Criminal Procedure Code by Ex-officio Magistrates, and the Chief Court consider that the disposal of these cases by Special Grade Magistrates is likely to be more expeditious.

2. In this connection, I am to invite attention to Government Proceedings No.3034-42/Cts. 298-24-12 dated the 15th December 1925, wherein the Government have also adversely commented upon the delay in the disposal of such cases and to Government Order No.P.2939-41/Cts. 207-23-7 dated the 9th December 1924 wherein the Government, as a result of a representation made to Mr. Justice B. Subbanna

3

during inspection, directed that the trial of cases under Chapters VIII to XII arising in the Kadur taluk should be tried by the Special First Class Magistrate at Chikmagalur. I am to add that the police have powers to deal with cases of special emergency and except the two City Magistrates at Bangalore and Mysore, the other Special Magistrates can quite well deal with these cases.

I have the honour to be,

S i r,

Your most obedient servant,

22/2/26

R E G I S T R A R.

TMN/2